

## **❖Organization of the Commission ❖**

### **Committees of the Commission for MH/DD/SAS**

The Rules Committee and the Advisory Committee were established in 2000 by the Commission to provide more informed recommendations to the full Commission before actions are taken by the Commission. The committees are designed to carry out the two primary functions of the Commission, rulemaking and advice to the Secretary of Health and Human Services.

The Rules Committee reviews drafts of all proposed amendments and new rules, whether they are Commission rules/amendments or Secretary rules/amendments. The Rules Committee works closely with Division staff with respect to the need for and operation of a proposed rule or amendment. The Rules Committee studies all proposed rules and amendments in detail and makes recommendations to the commission. Half the members of the Commission serve on the Rules Committee.

The Advisory Committee studies the service delivery system and the operation of the Division for the purpose of making recommendations to the Commission for advice to the Secretary of Health and Human Services and the Division Director. The Advisory Committee learns about current programs, activities and policies from Division staff and experts in the field and related fields. The Advisory Committee and other representatives of the Commission will be meeting regularly with the Division leadership team. Half the members of the Commission serve on the Advisory Committee.

Both committees of the Commission meet four times a year, approximately one month before the quarterly Commission meeting.

### **Officers**

The Governor designates the Chairperson of the Commission. The Vice-Chairperson is elected by the Commission and serves for a period of two years or until the expiration of his or her regularly appointed term (G.S. 143B-149). The Chair of the Commission appoints the subcommittee chairs.

### **Staff to the Commission**

G.S. 143B-148(3)(e) reads:

All clerical and other services required by the Commission shall be supplied by the Secretary of the Department of Health and Human Services. To ensure effective and efficient coordination of rules and policies adopted by the Commission and the Secretary, the Secretary shall assign an individual who is knowledgeable about and experienced in the rule-making processes of the Commission and the Secretary and in the fields of mental health, developmental disabilities, and substance abuse to assist the Commission in carrying out its duties and responsibilities. By the authority of the Secretary of the

Department of Health and Human Services, the Director of the Division of Mental Health, Developmental Disabilities and Substance Abuse Services has charged the Administrative Support Branch with the provision of technical, clerical, logistical, and other support for the work of the Commission.

### **Protocol for Commission Members**

Attendance at all Commission meetings is encouraged. Business cannot be conducted without a quorum. Any member may be removed from office by the Governor for misfeasance, malfeasance, or nonfeasance according to General Statute 143B-16. Commission members are encouraged to meet with the area director in their catchment area and to visit services in the area. Commission members are also encouraged to share information with the Chairperson of the Commission or Commission staff upon receipt of questions or complaints regarding work of the Commission or the Division. As individuals (not as Commissioners), Commission members may express their rights as citizens by sharing their views with members of the General Assembly. As a body, members of the Commission are advisors to the Secretary of the Department of Health and Human Services.

### **Reimbursement to Commission Members**

Commission members receive per diem and necessary travel and subsistence expenses connected with called meetings and conducting the business of the Commission. Reimbursement forms are provided at each Commission meeting. Checks are mailed to members. Commission members may also be reimbursed for attendance at conferences or seminars or for visits related to the work of the Commission upon approval of the Chairperson of the Commission (reference G.S. 143B-148). Refer to G.S. 138-5 and G.S. 138-6 for details.

### **Commission Meetings**

As an official public body, all hearings, deliberations, and actions of the North Carolina Commission for MH/DD/SAS are to be conducted in compliance with all Open Meetings Laws. An "official meeting" is defined in General Statutes (143-318.10(d)) as a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. A social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purpose of the Open Meetings Law (G.S. 143-318.9 through 143-318.18).

## Public Hearings

The Commission must meet at least once per quarter. The quarterly meetings consist of the public hearing and the Commission's formal action. The Commission may hold special meetings at any time and place within the State at the call of the Chairperson, or upon written request of at least eight members. A majority of the Commission shall constitute a quorum for the transaction of business.

- **Public Hearing:** Pursuant to the Administrative Procedure Act (G.S. 150B-21.2(e)), the Commission must hold a rulemaking public hearing on a rule it proposes to adopt if the agency publishes the text of the proposed rule in the North Carolina Register and all the following apply: 1) the notice of text does not schedule a public hearing on the proposed rule; 2) the agency receives a written request for a public hearing on the proposed rule within 15 days after the notice of text is published; and 3) the proposed text is not a changed version of proposed text the agency previously published in the course of rule-making proceedings but did not adopt.  
The public must also be given the opportunity to study, comment, make suggestions for or challenge proposals. Pursuant to the Administrative Procedure Act (G.S. 150B-21.2(b)), the Director's Office maintains a mailing list of individuals and other interested groups who wish to receive notice of rulemaking.  
Refer to G.S. 150B-21.2.
- **Schedule of Public Hearings:** Commission rulemaking public hearings are held in conjunction with regular Commission meetings and other times as necessary. Public hearings are announced in the North Carolina Register, which is published twice monthly.
- **Procedures for Rulemaking Hearings:** The Commission is required by the Administrative Procedure Act (G.S. 150B-20) to adopt rules governing procedures for its rulemaking public hearings. Rules currently in effect are filed in 10 NCAC 14B .0100.
- **Contested Cases (Appeals Hearings):** In accordance with the Administrative Procedure Act, the Commission has adopted rules for informal procedures that may precede the formal appeals process found in G.S. 150B.
- **Role of the Hearing Officer:** A staff person in the Administrative Support Branch serves as the hearing officer for the Commission's rulemaking public hearings. This function includes general management of the hearing with specific responsibility for providing a summary of the rules for public hearing; setting time allotments for presentations; recognizing speakers; directing the discussion; and assuring that each person participating in the hearing is given a fair opportunity to present views, data, and comments.

Source: Previous NC Commission for MH/DD/SAS Packet